

Claimant also contends there was just cause for failure to give notice because he thought the low back problem was not that serious and would resolve. But the Board finds that the specific lifting incident was sufficiently severe that claimant should be expected to provide prompt notice.

The Board finds claimant did not give notice in ten days and has not established just cause for failure to give such notice.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Brad E. Avery on March 16, 1999, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1999.

BOARD MEMBER

c: James M. Crawl, Topeka, KS
John B. Rathmel, Overland Park, KS
Brad E. Avery, Administrative Law Judge
Philip S. Harness, Director